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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,899	09/16/2003	James P. von Wolske	VONW:0001D	4515

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EXAMINER
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SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/663,899	Applicant(s) WOLSKE, JAMES P. VON	
	Examiner Hargobind S Sawhney	Art Unit 2875	<i>AW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 19 is/are allowed.
- 6) ☒ Claim(s) 11-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed on September 9, 2004 has been entered. Accordingly,:
  - The specification has been amended;
  - Claims 1-5 have been amended; and
  - New Claims 6-20 have been added.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following claimed matters must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

- a port-side marker light included in the navigation light recited in Claim 16;  
and
- a starboard side marker light included in the navigation light recited in Claim 17.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 16, lines 2 and 3, " a port side marker light included in the navigation light; and

Claim 17, lines 2 and 3, "a starboard side marker light".

The above-indicated limitations are not clearly detailed in the specification.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Aube' et al. (U.S. Patent No. 6,672,240).

Aube' et al. ('240) discloses a docking light system (Figure 2) comprising:

- a first -left - and second – right- docking light fixtures 158 each including a docking lamp 12; and an accessory lamp 11 mounted to the respective light fixtures 158.
- the first and second accessory lamps 11 collectively a mast lamp light because of their location in the front (the bow region) of the boat.

6. Claims 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiggerman (U.S. Patent No. 5,339,225).

Regarding claims 13-15, Wiggerman ('225) discloses a docking light system (Figure 1) comprising a docking light system:

- a docking light fixture 10 receiving a docking lamp 40; and a navigation light 35 provided on the docking light fixture 10 (Figure 1, column 3, lines 20-22, and 50-52);
- the navigation light 35 being a masthead light – positioned in the bow region of the boat- (Figure 1, column 3, lines 27-34); and

- the navigation light 35 being a stern light – positioned in the stern region of the boat- (Figure 1, column 3, lines 27-34).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiggerman (U.S. Patent No. 5,339,225).

Regarding claims 16 and 17, Wiggerman ('225) discloses a docking light system (Figure 2) comprising a docking lamp and a navigation lamp. Wiggerman ('225) further teaches additional uses of the navigation lamp including a mast light and stern light. However, Wiggerman ('225) does not specifically teach the navigation light, included in the docking light fixture, comprising a port side marker light or a starboard side marker light.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to locate the docking light fixtures either in starboard or port regions of the boat, and make use of the docking light fixture as either a starboard side marker light or a port side marker light, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Regarding Claim 20, Wiggerman ('225) discloses a watercraft (not shown, column 4, lines 3-8) including a docking light system (Figure 2) comprising a docking lamp and a navigation lamp. Wiggerman ('225) further teaches additional uses of the navigation lamp, including a mast light and stern light, depending on the location selected for the lamp use (Figure 1, column 3, lines 27-34).

However, Wiggerman ('225) does not specifically teach the navigation light, included in the docking light fixture, provided on the hull of the boat

It would be have been obvious to one of ordinary skill in the art at the time of the invention to mount the docking light fixtures on the hull of the boat, since it has been held that rearranging parts of an invention involves only routine skill in the art.

### ***Allowable Subject Matter***

9. Claims 1-10 and 19 are allowed.

The prior art of record, including Aube' et al. (U.S. Patent No. 6,672,240), Schmidt, Jr. (U.S. Patent No. 5,672,004), Ziaylek, Jr. (U.S. Patent No. 4,445,163), Ziaylek, Jr. (U.S. Patent No. 4,360,859) Ziaylek, Jr. (U.S. Patent No. 4,245,281) and Morse (U.S. Patent No. 2,619,582 and 2,504,866), fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a docking light fixture combining:

- an accessory lamp masked to control the horizontal and vertical beam sectors of emitted light as recited in claims 1 and 19;

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- a fiber optic mounted on the docking light fixture conveying visual signal to the annunciator panel as recited in Claim 10.

The combination of the above-indicated features, including a docking light fixture including a masked accessory lamp and fiber optic for conveying visual signals, makes this disclosure unique.

Aube' et al. ('240) discloses a light fixture discloses a docking light system comprising a docking lamp and an accessory lamp. However the accessory light disclosed by Aube' et al. ('240) is not masked, and does not control the horizontal and vertical beam sectors of the emitted light as claimed by the applicant. In addition, neither combined nor individual teaching of Schmidt, Jr. ('004), Ziaylek, Jr. ('163), Ziaylek, Jr. ('859) Ziaylek, Jr. ('281) and Morse ('582 and '866) meet the above-indicated limitations.

Therefore, Claims 1, 10 and 19 are allowed over prior art.

Claims 2-9 are necessarily allowed because of their dependency on the base allowed Claim 1.

10. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Aube' et al. ('240), Schmidt, Jr. ('004), Ziaylek, Jr. ('163), Ziaylek, Jr. ('859) Ziaylek, Jr. ('281) and Morse ('582 and '866), fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a docking light fixture combining:



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- a fiber optic mounted on the docking light fixture for visual signal to the annunciator panel as recited in Claim 18.

The combination of the above-indicated features, including a fiber optic mounted on the docking light fixture for visual signal makes this disclosure unique.

### ***Response to Amendment***

11. Applicant's arguments filed on September 8, 2004 with respect to the 35 U.S.C. 102(e) rejection of Claim 1 have been fully considered but are moot in view of the allowance of claims 1-9.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS  
11/23/2003



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